

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ARTHUR D. HOOVER,
Plaintiff(s)
v.
U.S. COURTS,
Defendant

2:12-CV-1500 JCM (GWF)

ORDER

Presently before the court is Magistrate Judge Foley's report and recommendation dismissing plaintiff Arthur D. Hoover's complaint without prejudice (doc. # 1-1). (Doc. # 4). No objections to the report and recommendation have been filed.¹

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

¹ The court notes that plaintiff has filed another motion/application for leave to proceed in forma pauperis (doc. # 5); however, this application is not timely filed pursuant to Magistrate Judge Foley's court order to file a complete application within 30 days of September 9, 2012 (doc. # 2). Thus, this application is denied as moot.

Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir.2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then this court may accept the recommendation without review. *See e.g., Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge’s recommendation to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
13 and the underlying court order (doc. # 2) and motion (doc. # 1), this court finds good cause to adopt
14 the magistrate's findings in full.

15 | Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and recommendation of Magistrate Judge Foley dismissing plaintiff Arthur D. Hoover's complaint without prejudice (doc. # 1-1) be, and the same hereby is, ADOPTED in its entirety.

IT IS FURTHER ORDERED that plaintiff's complaint (doc. # 1-1) be, and the same hereby is, DISMISSED without prejudice because plaintiff failed to submit a completed application or pay the filing fee as ordered.

IT IS FURTHER ORDERED that plaintiff's second motion/application for leave to proceed in forma pauperis (doc. # 5) be, and the same hereby is, DENIED as moot as the motion was not timely filed.

25 || DATED November 8, 2012.

~~Xelius C. Mahan~~
UNITED STATES DISTRICT JUDGE